

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 16 has been amended to correct the informality noted by the Office. In view of the "between" language in the independent claim, the ranges of the independent claims are recited together with the lower level of the dependent claim.

Present claim 1 recites a process for manufacturing frozen aerated products which includes providing two separate forming elements, providing at least one open cavity on the surface of each forming element, providing filling devices for filling the cavities, filling two open cavities, one on each forming element, with a frozen aerated product having an overrun of between 30% and 130%, then allowing each product to expand outside its cavity, and then moving the open cavities opposite one another so that the expanded frozen aerated product in each cavity is pressed against the expanded frozen aerated product in the other cavity.

The background section of the specification explains that processes known for manufacturing chocolate balls are inappropriate for the manufacturing of ice cream products. While chocolate contracts on cooling and readily demolds from cavities, if cavities are below 0°C then ice cream will stick to the surface and will not easily demold. The background section also discusses JP62-91148, presently cited by Office, which addresses the problem in the context of ice balls (mentioning ice cream and other confections) by heating one of the rollers with an internal circulation of hot liquid, providing ejection mechanisms in each cavity of the other roller and providing excess material proud of the roller surface. However, at least in the frozen confection context, the need effectively to melt the surface of each product to allow for its demolding raises

undesirable hygiene issues. Also, the ejection mechanisms in each and every cavity are complex, difficult to maintain and also constitute a hygiene hazard.

It is submitted that the Office speculates that the JP '148 application permits expansion of frozen aerated products prior to pressing opposed cavities against each other. The Office points to no specific mention by '148 that such expansion does, or can, occur. Moreover, it is submitted that it is not inevitable from the description of '148 invention that it would occur. Rather, it may well be that grooves 26(b) are filled with product and that there is no opportunity for expansion of the product in depressions 17, 18. While it may seem easy to make the assumption of expansion in the hindsight of applicants' disclosure, it is submitted that this does not follow from the '148 application. Therefore, it is requested that the rejection be withdrawn because expansion of the frozen confection prior to pressing the cavities against each other is neither inevitable (inherent) in, nor taught by, '148.

The Office points to Martinez et al., EP 864256, as teaching a process for manufacture of frozen ice confections in a mold which is pre-cooled to below -50°C, including -100°C. Given that '148 uses heating and ejection rods to release the product, it is unclear why one of ordinary skill would utilize the Martinez et al. teaching in '148. That is, the teachings appear to be inconsistent. Therefore, for this reason also, the rejection of claims 14 and 15 should be withdrawn.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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